

## **REMARKS**

### **1. Status of the Claims**

Claims 16-19, 22 and 24-35 remain in the application. All of the claims are once more rejected under Section 102 and Section 103. The outstanding office action characterizes these rejections as based on new grounds. However, a reading of the Examiner's argument indicates that, although some of the prior rejections under Section 102 have been withdrawn, the current rejections are based on substantially the same argument presented in the prior office action, although some of the argument has been modified in an effort to read new limitations, presented in the prior amendment, on the prior art. The rejections of claims 16, 19-21, 27, 29-31 and 35 under Section 102 and Section 103 are based on Nuovo 2004/0102230 alone or in combination with Mischenko '361; Gahl (2004/0082370); Montminy (2004/0211668); and Pontoppidan '716.

Applicant believes that the features introduced in the prior amendment already render distinct and non-obvious combinations. The following argument focuses primarily on features which distinguish the independent claims 16, 32 and 35 over the art of record. Reconsideration of the rejection of claims 32-35 is again requested in view of errors that have been brought to the Examiner's attention in the earlier responses. The outstanding office communication does not appear to be responsive to all of the deficiencies applicant has identified in the rejections of these claims. Reasons for again traversing rejection of claims 32 and 35 are again presented and the Examiner is invited to respond to these arguments with specificity.

The amendments now made to claim 16 are for three reasons. First, applicant clarifies that the claimed subject matter relates to "an enclosure for containing the device" whether or not the device is in the enclosure. Second, as more fully discussed below, applicant has modified the claim language to remove potential for misunderstanding. That is, the claimed "sealing first flange" is part of the first enclosure base body and is not part of the second enclosure base body. Third, to more clearly identify which "recess" is referred to in different passages in the claims, claim 16 now refers to a second recess defined along the first edge. Numbering of other recesses in the dependent claims has been modified accordingly (e.g., changing second recess to third recess) for consistency.

## 2. Claims 16-18, 24-25, 27 and 29-31 Contain Allowable Subject Matter.

Claim 16 was again rejected based on Nuovo, in part because the Examiner identifies in the Nuovo reference: edges 320 of the front face 3 (figure 22b) which “take the form of a flange that extends around the perimeter of the front face.” See Par. [0078]. To fully distinguish the invention over Nuovo the prior amendment added features to claim 16 which are not found in any combination of the prior art. However, it appears that the language used to distinguish the invention was misunderstood, resulting in an incorrect rejection. The claimed “sealing first flange” was interpreted to be a component of the claimed second enclosure base body. As now explained, this is not the case.

In the prior amendment, applicant claimed a first enclosure body comprising two components: a *first base body component* and a *second base body component*. The outstanding rejections based on Nuovo were premised on the incorrect construction that the *second base body component* was part of the claimed *second enclosure base body*. According to the structural arrangement of claim 16, the *first sealing flange* must be part of the first enclosure body. This is because the *first sealing flange* is part of the *first base body component* which is part of the first enclosure body. Thus it was incorrect to read the *first sealing flange* as part of the second enclosure body.

Now recognizing that applicant’s choice of the language *second base body component* may have created confusion for the Examiner, which led to the rejection of claim 16, applicant has amended claim 16 to remove such potential for confusion. By way of this amendment, the term *first base body component* has been replaced with the term **first component of the first enclosure base body**; and the term *second base body component* has been replaced with **second component of the first enclosure base body**.

As a second point of distinction, it is noted that, according to claim 16, the relatively soft material of the second component of the first enclosure base body is “formed against the hard base material” of the first component of the first enclosure base body. This provides another reason why applicant’s claimed “relatively soft material of the second component of the first enclosure base body” cannot be read on the side frame 20 of Nuovo.

A third distinction between claim 16 (amended) and the prior art is that the recess which is now identified as the *second recess* cannot be read upon the rails 22, 23 of Nuovo. This is

because the *second recess* must be along the “first edge.” In the outstanding office action the “first edge” of claim 16 was incorrectly read upon feature 320 in Figure 22b of Nuovo. With the foregoing explanation and amendment to claim 16 it should be clear that the “*first edge*” cannot be read upon feature 320 of Nuovo and the now-claimed “*second recess*” cannot be read upon the feature 320. In view of the above-noted distinction, it is not possible to read claim 16 on the prior art.

Examples of the structure defined in claim 16 are illustrated in figures 8 and 9. In figure 8, a first sealing flange 27 of relatively soft material is spaced apart from an edge 14 of relatively hard material with a recess 30 defined along the edge 14. On the other hand, none of the claimed structure can be read upon the Nuovo reference. By way of example, the Nuovo reference does not teach or suggest a structure wherein:

“portions of the second component of the first enclosure base body are spaced apart from the first edge by a recess defined along the first edge”

For all of these reasons claim 16 and the claims which depend therefrom are distinct over the Nuovo reference. Moreover, none of the art of record can be combined with the Nuovo reference to provide the claimed subject matter. It is only the applicant who teaches the combination “wherein portions of the second component of the first enclosure base body are spaced apart from the first edge by a recess defined along the first edge with the portions of the second base body component providing a sealing first flange ...” Allowance of the claims 16-18, 24-25, 27 and 29-31 is requested.

### **3. The Rejections of Claims 32-35 Under Section 103 are not Supported by the References.**

Claims 32 – 35 were again rejected based on a combination of Nuovo in view of Gahl. Applicant has already made of record that these rejections are premised on incorrect conclusions. With respect to claim 32, the office action contends that the Gahl reference discloses “injecting a soft component forming an elastic seal onto the hard component ...” It is respectfully submitted that the reference does not disclose such subject matter. Specifically, the Gahl reference (at Paragraphs 3, 10, 13 and 16; see pages 13 – 14 of the outstanding office action) was again

characterized as disclosing an elastic material. While the reference does relate to electrically conducting and non-conducting materials, this is not the same as “forming an elastic seal” as recited in independent claim 32. Moreover, the citation in the Gahl reference (par. 0013) does not even appear to suggest any difference in hardness such that either the first component or the second component would be characterized as the *hard component* or the *soft component* of claim 32.

Another reason that the rejection of claims 32 – 34 should be withdrawn is that technical differences preclude combining the references under Section 103. The rejection relies upon Nuovo for disclosing hard components and soft components. Specifically, the rejection refers to Pars [0092] and [0106] of Nuovo, but the passages which the Examiner cites reference sapphire, which is a naturally occurring stone. Thus the Nuovo reference would have to be reconstructed to meet the terms of claim 32. Moreover, the Nuovo reference teaches use of ruby, e.g., sapphire, because it is “an attractive jewel” and it “will provide greater accuracy of fit of the key in the device ...”

For these reasons, it is submitted that claim 32 and the claims which depend therefrom are each distinct and non-obvious over any combination of the cited art.

The rejection of independent claim 35 under Section 103 over Nuovo in view of Gahl is also traversed. The rejection is not understood because applicant claims “a flange, formed along and spaced apart from the edge perimeter” and the claim also requires that

*... the flange comprises an elastically deformable material, wherein the base body is made from a hard plastic and the flange is made from a softer plastic compared to the hard plastic...*

The Examiner’s combination of Nuovo and Gahl appears to lack features called out in claim 35. The rejection does not identify with specificity all of the features of Nuovo and Gahl which the Examiner relies upon. However, the Examiner’s reference to paragraph [0098] of Nuovo indicates that, in lieu of a flange comprising elastically deformable material, Nuovo discloses a silicon sealant 69. Thus Nuovo does not appear to disclose the claimed flange. If the Examiner disagrees it is incumbent upon the Examiner to explain exactly how the references are being applied. If the Examiner believes there is a combination that can be legitimately read upon the

claim, the Examiner is requested to associate features in the prior art (by reference number) with the elements of the claims.

In summary, instead of merely requiring an edge perimeter adapted to contact a mating surface, claim 35 requires

“a flange, formed along and spaced apart from the edge perimeter, extending in a direction to press against the mating surface when contact with the mating surface is made ...”

Neither the Nuovo reference nor the Gahl reference teaches or suggests this structure. Moreover, for reasons recited above with regard to claim 32, the Gahl reference does not teach or suggest a

“base body ... made from a hard plastic and ... [a] flange ... made from a softer plastic compared to the hard plastic, and wherein the base body and the flange form an integral part and are made by using a two-color injection molding process.”

As noted with respect to claim 32, it would be incorrect to rely upon disclosure in Nuovo of a sapphire to meet the terms of this claim, e.g., a base body made from a hard plastic, because sapphire is not made with an injection molding process.

## **5. Conclusion**

It is respectfully submitted that no combination of the art of record suggests the claimed invention. In view of the amendments and argument now presented, each of the claims is in condition for allowance and the examiner is asked to pass this application to issuance.

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The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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By: 

John P. Musone  
Registration No. 44,961  
(407) 736-6449

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830